

RESOLUTION NO. 03-638

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING OF **LATERAL 43, MAIN 24, WAR INDUSTRIES SEWER, (NORTH OF 13TH, EAST OF WEBB) 468-83741**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING **LATERAL 43, MAIN 24, WAR INDUSTRIES SEWER, (NORTH OF 13TH, EAST OF WEBB) 468-83741**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Lateral 43, Main 24, War Industries Sewer, (north of 13th, east of Webb) 468-83741**.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Sixty-two Thousand Dollars (\$62,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **December 1, 2003**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

WATERFRONT 2ND ADDITION

Lot 1, Block 1;

TRACT A

A tract of land lying within a portion of the Southwest Quarter, Section 9, Township 27 South, Range 2 East, of the 6th Principal Meridian; said tract being more particularly described as follows:

BEGINNING at the Southeast corner of said Southwest Quarter, thence along the South line, S89°00'49"W, 868.84 feet, thence N00°59'11"W, 40.00 feet; thence N00°59'11"W, 35.36 feet along the East line of The Waterfront Second Addition, an addition to Wichita, Sedgwick County, Kansas; thence continuing along said East line N60°59'11"W, 69.28 feet; thence continuing along said East line N00°59'11"W, 486.56 feet to a point on a curve to the left said curve being coincident with said East line; thence along said curve 59.10 feet, said curve having a central angle of 09°37'47", a radius of 351.63 feet, and a long chord distance of 59.03 feet, bearing N82°51'44"E; thence continuing along said East line, N75°42'51"E, 39.42 feet to

the Southeast corner of Lot 1, Block 1, said addition; thence S00°59'11"E, 99.59 feet; thence N89°22'04"E, 831.58 feet the East line said Southwest Quarter; thence S01°00'39" E, 507.22 feet to the **POINT OF BEGINNING**, except 13th Street roadway right-of-way.

TRACT B

A tract of land lying within a portion of the Southwest Quarter, Section 9, Township 27 South, Range 2 East, of the 6th Principal Meridian; said tract being more particularly described as follows:

BEGINNING the Southeast most corner of Lot 1, Block 1, The Waterfront Second Addition, an addition to Wichita, Sedgwick County, Kansas; thence along the East line of said Lot 1 on a platted bearing of, N00°59'11"W, 372.76 feet; thence N00°59'11"W, 70.84 feet; thence N11°23'49"E, 133.91 feet; thence N59°03'20"E, 173.63 feet; thence N79°54'56"E, 431.63 feet; thence N54°57'38"E, 272.53 feet to the East line of said Southwest Quarter; thence along said East line, S01°00'39"E, 986.70 feet; thence S89°22'04"W, 831.58 feet; thence N00°59'11"W, 99.59 feet to the **POINT OF BEGINNING**.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

Lot 1, Block 1, Waterfront 2nd Addition, shall pay 45/100 of the total cost payable by the improvement district. Unplatted Tract (A) shall pay 40/100 of the total cost payable by the improvement district. Unplatted Tract (B) shall pay 15/100 of the total cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq., as amended and supplemented, and K.S.A. 12-693.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body

as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas **DECEMBER 2, 2003.**

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SCHOFIELD, CITY CLERK

(SEAL)